

Rakoff

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHURCH & DWIGHT CO., INC., X

Plaintiff, :

- against - :

THE CLOROX COMPANY, :

Defendant. :

1 CIVIL ACTION NO.:
11 CIV 1865

ORDER TO SHOW CAUSE

Upon reading and filing the Complaint of Church & Dwight Co., Inc. ("Church & Dwight"), the annexed declarations of Raymond S. Brown, David C. Cohen, Leonard S. Mackowiak, William J. Hooper and Lawrence I. Weinstein, and Plaintiff's Memorandum of Law in Support of Motion for a Preliminary Injunction and Expedited Discovery, and with good cause appearing therefor, it is:

ORDERED, that defendant, The Clorox Company ("Clorox"), show cause before this Court, in Courtroom 14-B before the Honorable Jed S. Rakoff, United States District Court Judge for the Southern District of New York, in the Courthouse located at 500 Pearl Street, New York, New York 10007 on the 28th day of March, 2011, at 2 p.m., why the Court should not make and enter an Order, pursuant to Rule 65 of the Federal Rules of Civil Procedure, preliminary enjoining and restraining Clorox, its affiliates, subsidiaries, divisions, agents, servants, officers, directors, employees, and all those acting under its control and/or on its behalf and/or in concert with it, from disseminating or causing to be disseminated (a) television

commercials, storyboards for which are annexed to the accompanying complaint as Exhibits 1 and 2, and videos and storyboards for which are annexed to the accompanying declaration of David C. Cohen as Exhibits 5-8, and (b) the product claims therein, or any similar product claims, in any form or medium, on the grounds that:

- (i) Clorox has violated Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a);
- (ii) Clorox has engaged in deceptive acts and practices and false advertising under Section 349 of the New York General Business Law;
- (iii) Clorox has engaged in product disparagement, injurious falsehood, and trade libel under the common law of New York; and
- (iv) Clorox has engaged in unfair competition under the common law of New York;

✓ Security in the amount of \$ 25,000.00 will be posted by 3/22/11

ORDERED, that expedited discovery shall proceed as follows:

Counsel for the parties should jointly call Judge Raboff's chambers any time after 3/21/11 to arrange for any expedited discovery.
~~Requests for documents may be served on any party to the action or other third party immediately upon the signing of this order. Responses to and the production of documents responsive to such requests for documents be served no later than five days after receipt of such requests;~~

ORDERED, that:

1. Copies of this Order and the annexed declarations and Plaintiff's Memorandum of Law in Support of Motion for Preliminary Injunction shall be served no later than

3/21/, 2011.

2. Clorox's Opposing Memorandum, and all related evidentiary materials, shall be

served and filed no later than 3/24/11 2011.

3. Church & Dwight's Reply Memorandum, and all related evidentiary materials, shall be served and filed no later than 3/25/11, 2011; and it is further.

ORDERED, that counsel for Clorox shall accept services of the Summons and Complaint on behalf of the defendant.

Dated: March 18, 2011
New York, New York
2:15 pm.

SO ORDERED:



United States District Judge

